

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.21560 of 2004

Between:

M/s. Dr. M.R. Reddy College of Education, Parkal, Warangal District,
rep. by its Secretary/Correspondent, Dr. M. Raja Reddy, S/o. Buchi Reddy, 53 years,
R/o. Parkal, Warangal District.

..... PETITIONER

AND

The Registrar, kakatiya University,
Warangal, Warangal District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order dated 16.4.2004 in proceedings No.279/B3/KU/2004, passed by the respondent herein imposing a fine of Rs.1,00,000/- as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondent: MR. DEEPAK BHATTACHARJEE

The Court at the stage of admission made the following:

ORDER:

Questioning the order passed by the respondent vide Proceedings No.279/B3/KU/2004, dated 16.04.2004 imposing a fine of Rs.1,00,000/-, the petitioner-College filed the present writ petition.

The case of the petitioner-College, in brief, is that it was established in the year 1992 for imparting the course of Teacher Education and Training. It is stated that for the academic year 2003-2004 the Ed.CET Convener, Andhra University, Waltair, Visakhapatnam allotted 95 students to the petitioner-College as against total strength of 112 students and the petitioner-College was permitted to fill up the 17 students from out of management quota. Out of 95 students allotted by the Ed.CET Convener one student, namely, Sri J.L. Michael has taken away his original certificates from the petitioner-College by citing ill health. The petitioner-College addressed letters dated 10.5.2003 and 10.6.2003 to the Ed.CET Convener, Andhra University, requesting to allot a student in the seat vacated by J.L. Michael, but the Ed.CET Convener did not respond to it. Thereafter, the petitioner-College addressed a letter dated 25.06.2003 to the Ed.CET Convener, Andhra University as well as the Registrar of Kakatiya University intimating about the admission of one Sri K. Goverdhan, who is having a rank in common entrance Test at No.3191, in the seat vacated by Sri J.L. Michael and explaining the circumstances under which the petitioner-College gave admission to Sri K. Goverdhan. Being not satisfied with the explanation offered by the petitioner-College, the respondent passed the order, impugned herein. Hence the writ petition.

Learned Standing Counsel for respondent University Mr.Deepak Bhattacharjee submitted that the petitioner has violated the rules and without taking prior permission or intimation has admitted a student. That a show cause notice dated 1-3-2004 was issued to the petitioner calling for an explanation. It is further stated that on receipt of the explanation of the petitioner, the matter was placed before the Academic Senate meeting held on 27-3-2004 wherein on considering the explanation offered by the petitioner, the Senate took a decision to impose a fine of Rs.1,00,000/-. It is submitted that admittedly the petitioner has violated the rules and the decision taken by the Academic Senate cannot be said as illegal.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent University.

Since the petitioner has violated the rules and unilaterally made an admission, I do not see any reason to interfere with the matter. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed at the stage of admission.

N.V.RAMANA,J

29-11-2004

TVK/NSR

To,

1. The Registrar, kakatiya University,
Warangal, Warangal District.

2. Two CD copies.